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C O N F I D E N T I A L SECTION 01 OF 02 JERUSALEM 001536

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NEA FOR FRONT OFFICE; NSC FOR ABRAMS/SINGH/WATERS

E.O. 12958: DECL: 07/24/2017

TAGS: KWBG PGOV KDEM IS KJUS

SUBJECT: NEW PA JUSTICE MINISTER'S PRIORITY IS "SERVICES TO THE PEOPLE"

REF: JERUSALEM 1454

Classified By: Consul General Jake Walles, for reasons 1.4 (b) and (d)

¶1. (C) Summary. At a July 23 meeting in Ramallah, Justice Minister (MoJ) Ali Khassan told USAID Country Director Sumka and PolOff that he is concentrating on rebuilding the MoJ and instilling a focus on provision of services to the people. He said he is developing plans to build the MoJ into a strong ministry that supports the Palestinian judiciary and cooperates with civil society organizations to advance respect for citizens' rights and to empower women in the legal establishment. He said establishing a 1000-man judicial police force would provide the courts with needed security and allow the courts to enforce warrants, subpoenas and judgments. Bio Note included in para. 6. End summary.

MoJ Khassan: Rebuilding Formerly Gaza-Based Ministry; Training Staff

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¶2. (C) At a July 23 meeting in Ramallah, MoJ Ali Khassan told USAID Country Director Sumka that he is concentrating on rebuilding the MoJ and instilling a focus on provision of services to Palestinians. He said the MoJ, historically based in Gaza City, lost its buildings and employees there when Hamas took over Gaza. (Note: Hamas controlled the MoJ in the last two Cabinets, and still claims that former MoJ Ali al-Sartawi is the Minister. End note). The MoJ leases two high-rent buildings in Ramallah and Nablus, he said, but owns no West Bank property.

¶3. (C) Khassan said he is developing short-term (6 months) and long-term (3 years) plans to build the MoJ into a strong ministry that supports the Palestinian judiciary and cooperates with civil society organizations to advance respect for human rights and empower women in the legal establishment. He said he has instituted staff training in management and individual skill development, is discussing expanding his staff with PM Salam Fayyad, and will bring in temporary consultants to assist with strategic planning and organizational development. He also wants the MoJ to train the Palestinian security forces on Palestinian law, proper search/arrest procedures, community policing principles and ethics.

MoJ Wants Judicial Police to Enforce Orders, Remove Justification for "Executive Force"

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¶4. (C) Establishment of a 1000-man judicial police force responsible to the judiciary would provide the courts with needed security and allow the courts to enforce warrants, subpoenas and judgments, he said. He added that his proposal would improve the situation in Gaza, where the illegal

Executive Force is now performing these functions at the behest of Hamas-established "Islamic Legal Committees." He said creating such a force would undercut Hamas' justification for maintaining the "Executive Force" as its law-enforcement authority. (Comment: Khassan did not explain why Hamas would accept replacement of its forces by PA judicial police and noted that his idea is preliminary thinking, not a fully-developed proposal. His desire to improve court security makes sense, but we question the need to add another security service to the already-bloated ranks of the PA security forces. End comment). He said the PA is treating all Gaza MoJ employees and buildings as still under PA authority, and called salary payments to MoJ employees in Gaza as "a legal obligation, not a policy choice, because we do not regard Gaza as a separate government."

Comment

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¶5. (C) MoJ Khassan, like most of PM Fayyad's ministers, is a highly-regarded expert in his portfolio without strong political affiliations. Stripped of Gaza, the Justice Ministry he inherits has little functional staff or resources. The Supreme Judicial Council (SJC) has taken control of both the courts and the prosecutors' offices, while the Interior Ministry has charge of all investigative and security services. Even the Attorney General, his putative subordinate, answers to the President's Office for most matters, leaving the MoJ without a strong role in PA administration of justice. Khassan seems to understand these limitations, and plans to focus on developing a ministry that will work closely with the Palestinian bar association and civil society organization to support the legal establishment and build a PA based on rule-of-law and respect for citizens'

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rights. End comment.

Bio Note

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¶6. (C) MoJ Ali Ahmad Salam Khassan (independent) was formerly dean of and professor of constitutional law at al-Quds University's School of Law, and holds law degrees from Egypt and Jordan. He is a respected jurist who assisted in drafting the Basic Law and the proposed constitution for a future Palestinian state in 2001-2002. He also assisted in drafting legal curriculums for al-Najah, al-Azhar and Bir Zayt Universities, was a participant in the MEPI-supported Forum for the Future dialogue on the legal environment for Palestinian NGOs, and also has worked for USAID implementing partner Arkan on rule-of-law activities. He reports visiting the U.S. several times over the past two decades.

WALLES